

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

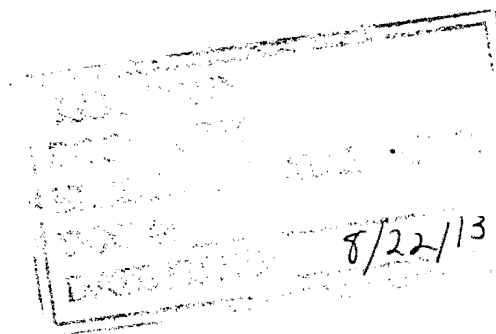
v.

DANNY GARBER, MICHAEL MANIS,
KENNETH YELLIN, JORDAN FEINSTEIN,
ALUMA HOLDINGS LLC, AZURE TRADING
LLC, COASTAL GROUP HOLDINGS, INC.,
GREYHAWK EQUITIES LLC, LEONIDAS
GROUP HOLDINGS LLC, THE LEONIDAS
GROUP, LLC, NISMIC SALES CORP., THE
OGP GROUP LLC, PERLINDA
ENTERPRISES LLC, RIO STERLING
HOLDINGS LLC, SLOW TRAIN HOLDINGS
LLC, and SPARTAN GROUP HOLDINGS
LLC,

Defendants.
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ORDER

12 Civ. 9339 (SAS)



SHIRA A. SCHEINDLIN, U.S.D.J.:

The attorneys for defendants Danny Garber, Kenneth Yellin, Jordan Feinstein, The OGP Group LLC, Rio Sterling Holdings LLC, and Slow Train Holdings LLC ("Defendants") seek an Order from this Court compelling non-party witness Joshua D. Brinen, Esq., to produce certain documents ("Subscription

Agreements”) called for by a Rule 45 Subpoena.¹ Mr. Brinen argues that the Subscription Agreements are not encompassed by the Subpoena, which requests “[a]ll communications between Mr. Brinen and the Defendants between July 2009 and July 2011 concerning a Rule 504 or Rule 144 transaction.”² Because “the Subscription Agreements were drafted by Mr. Brinen, and sent to Defendants as part of Rule 504 transactions,”³ they are “communications” within the meaning of the Subpoena. Moreover, Mr. Brinen’s statement that “[b]y their own admission, the Garber Defendants are already in possession of the requested documents” is not correct.⁴ Defendants have not stated that they possess the Subscription Agreements.⁵

For the foregoing reasons, Defendants’ request is granted. Mr. Brinen is ordered to produce the requested Subscription Agreements to Defendants.

¹ See 8/19/13 Letter from Ira Lee Sorkin, Attorney for Defendants, to the Court (“Sorkin Letter”).

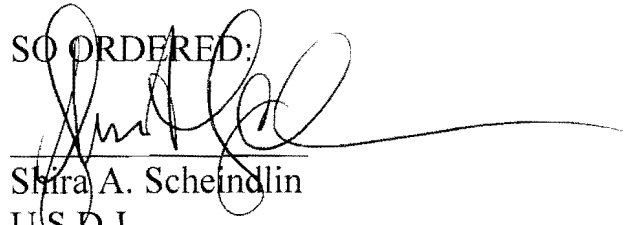
² 8/20/13 Letter from Daniel S. Makoski, Attorney for Brinen, to the Court (“Makoski Letter”).

³ Sorkin Letter at 2.

⁴ Makoski Letter at 3.

⁵ See Sorkin Letter.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
August 20, 2013

-Appearances-

For the Securities and Exchange Commission:

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